

02-572 INTEL CORPORATION v. ADVANCED MICRO DEVICES

Ruling below: CA 9, 292 F.3d 664.

QUESTIONS PRESENTED:

28 U.S.C. § 1782 authorizes the federal district courts to grant discovery to "interested person[s]" for use "in a proceeding in a foreign or international tribunal, including criminal investigations conducted before formal accusation."

The questions presented are:

1. Whether section 1782 authorizes a federal district court to provide a private person with discovery that the foreign jurisdiction itself does not authorize.
2. Whether section 1782 allows civil discovery by a private person when no "proceeding" before a foreign "tribunal" is pending or even imminent.
3. Whether section 1782 extends discovery rights in the United States to private non-litigants.

CERT. GRANTED: 11/10/03

J. O'Connor took no part.